

EXHIBIT 1

**MANUAL OF
MODEL CIVIL
JURY INSTRUCTIONS
FOR THE
DISTRICT COURTS
OF THE EIGHTH CIRCUIT**

2021

Reflecting changes made through October 27, 2021.

3.04 EXPLANATORY: BURDEN OF PROOF (Ordinary Civil Case)

You must decide whether certain facts have been proved [by the greater weight of the evidence]. A fact has been proved [by the greater weight of the evidence], if you find that it is more likely true than not true. You decide that by considering all of the evidence and deciding what evidence is more believable.

You have probably heard the phrase “proof beyond a reasonable doubt.” That is a stricter standard than “more likely true than not true.” It applies in criminal cases, but not in this civil case; so put it out of your mind.

Committee Comments

The phrases that are bracketed are optional, depending upon the preference of the judge. The Committee recognizes that judges may desire to use the burden-of-proof formulation found in the pattern jury instructions adopted by their particular states. If such a burden-of-proof instruction is used, this instruction must be modified accordingly.